

State of Iowa
Board of Pharmacy

400 S.W. Eighth Street, Suite E, Des Moines, IA 50309-4688

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BOARD MEMBERS

BRETT BARKER
GAYLE MAYER
DANE NEALSON
KATHRYN STONE

JASON HANSEL

Board Chair

ANDREW FUNK

Executive Director

BOARD MEMBERS

LADONNA GRATIAS
EDWARD MCKENNA
JOAN SKOGSTROM

MINUTES

May 1-2, 2019

The Iowa Board of Pharmacy met on May 1-2, 2019, in the conference room at 400 S.W. Eighth Street, Des Moines, Iowa.

WEDNESDAY, MAY 1, 2019

Members Present

Edward McKenna, Vice-chair
Brett Barker
LaDonna Gratias
Jason Hansel
Gayle Mayer
Dane Nealson
Joan Skogstrom
Kathy Stone

Staff Present

Andrew Funk, Executive Director
Therese Witkowski, Executive Officer
Jennifer Tiffany, Associate Director of PMP
Laura Steffensmeier, Esq., Assistant Attorney General
Amanda Woltz, Administrative Assistant
Christie Carlson, Compliance Officer
Curt Gerhold, Compliance Officer
Mark Mather, Compliance Officer
Sue Mears, Compliance Officer
Jean Rhodes, Compliance Officer
Dan Sedlacek, Compliance Officer
Jim Wolfe, Compliance Officer

At 9:01 a.m., Edward McKenna, Vice-chair, called the meeting of the Iowa Board of Pharmacy to order on Wednesday, May 1, 2019.

Administrative Hearing

2018-0093 Thomas Donner, RPh, License 16040, Fort Dodge

At 9:06 a.m., Laura Lockard, Administrative Law Judge, Department of Inspections and Appeals opened the record. Assistant Attorney General Laura Steffensmeier represented the State. Mr. Donner did appear and was represented by counsel. The session was conducted in the presence of the Board and was closed to the public.

Motion by Joan Skogstrom, second by Brett Barker, to direct Administrative Law Judge Lockard to draft the Order consistent with the Board's deliberation in the case 2018-0093,

Thomas Donner. Motion approved unanimously.

Closed session

At 11:57 a.m., on a motion by Brett Barker, second by Joan Skogstrom, the Board voted unanimously by roll call vote to move into closed session pursuant to Iowa Code Section 21.5(1)(a), to review or discuss records which are required or authorized by state or federal law to be kept confidential; pursuant to Iowa Code Section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings; and pursuant to Iowa Code Section 21.5(1)(f), to discuss the decision to be rendered in a contested case conducted according to the provisions of Iowa Code Chapter 17A.

At 2:54 p.m., the Board returned to open session.

In open session, the following actions were taken:

1. Closed Session Minutes

Motion by Jason Hansel, second by Brett Barker, to approve the Closed Session Minutes of the March 12, 2019, meeting. Motion approved unanimously.

2. Close With No Further Action

Motion by Edward McKenna, second by Dane Nealson, to close with no further action the following investigative files in complaint numbers: 2019-0044, 2019-0036, 2019-0004, 2018-0125, 2019-0017, 2018-0130, 2018-0161, 2019-0028, 2019-0010, 2019-0025, 2019-0029, 2018-0124, 2018-0154, 2019-0015, 2018-0084, 2018-0134, 2018-0146, and 2018-0149. Motion approved unanimously.

3. Administrative Warning

Motion by Jason Hansel, second by Dane Nealson, to issue an administrative warning to the pharmacist in 2019-0032 and 2019-0037; to the pharmacy in 2018-0155 and 2018-0165; and to the pharmacy and pharmacist in charge in 2019-0009 and 2018-0160.

4. Letter of Education

Motion by Dane Nealson, second by Edward McKenna, to issue a letter of education to pharmacist in 2018-0167, 2019-0032, 2018-0165, 2018-31, and 2019-0003; and to the pharmacy in 2019-0031 and 2019-0003.

5. Settlement Agreement and Final Order

Motion by Jason Hansel, second by Brett Barker, to approve the Settlement Agreement and Final Order in the following case. Motion approved unanimously.

A. 2018-0096, David Schlichtemeier, Pharmacist License No. 17018, Spencer.

6. Combined Statement of Charges, Settlement Agreement, and Final Order

Motion by Dane Nealson, second by Gayle Mayer, to approve the Combined Statement of Charges, Settlement Agreement, and Final Order in the following cases. Motion approved unanimously.

A. 2018-0168, Dan Pomeroy, Pharmacist License No. 16031, Coon Rapids.

B. 2018-0168, Coon Rapids Pharmacy, Pharmacy License No. 487, Coon Rapids.

C. 2018-0169, Loretto Hucker, Certified Pharmacy Technician Registration No. 13445, Denver.

- D. 2018-0152, Walgreens #02445, Nonresident Pharmacy License No. 3557, Orlando, Florida.
- E. 2018-0142, Pharm D Solutions, Nonresident Pharmacy License No. 4726, Houston, Texas.

At 3:01 p.m., motion by Jason Hansel, second by Dane Nealson, to adjourn. Motion approved unanimously.

THURSDAY, MAY 2, 2019

MEMBERS PRESENT

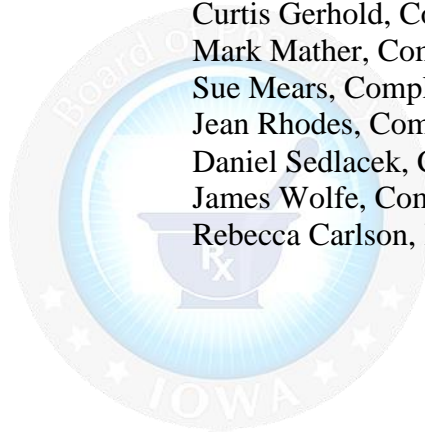
Edward McKenna, Vice-chair
Brett Barker
LaDonna Gratiyas
Jason Hansel
Gayle Mayer
Dane Nealson
Joan Skogstrom
Kathy Stone

SPEAKERS

Casey Ficek, IPA
Anthony Pudlo, IPA
Ryan Burke, PTCB

STAFF PRESENT

Andrew Funk, Executive Director
Laura Steffensmeier, Esq., Assistant Attorney General
Therese Witkowski, Executive Officer
Jennifer Tiffany, Associate Director of PMP
Amanda Woltz, Administrative Assistant
Christie Carlson, Compliance Officer
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Jean Rhodes, Compliance Officer
Daniel Sedlacek, Compliance Officer
James Wolfe, Compliance Officer
Rebecca Carlson, IMP3 Case Manager



Call to Order and Announcements

At 9:01 a.m. on Thursday, May 2, 2019, Edward McKenna, Vice-chair, called the meeting of the Iowa Board of Pharmacy to order.

Public Comments

Anthony Pudlo with IPA requested that the rules committee review the law to determine how a pharmacy would handle expedited prescription therapy for the partners of people who have tested positive for a sexually transmitted disease.

Approval of Open Session Minutes

The open session minutes of the March 12, 2019, Open Session Meeting were reviewed.

Motion by Brett Barker, second by Jason Hansel, to approve the Open Session Minutes of the March 12, 2019, meeting as presented. Motion approved unanimously.

Election of Officers

Motion by Joan Skogstrom, second by Gayle Mayer, to elect Jason Hansel as Chair. Motion approved unanimously.

Motion by Jason Hansel, second by Gayle Mayer, to elect Edward McKenna as Vice-chair. Motion approved unanimously.

Requests

1. Request to Waive 657 IAC 8.4(1) to not require public display of original licenses for all verifying pharmacists - NuCara #39, License 1663, Brooklyn

Motion by Joan Skogstrom, second by Jason Hansel, to approve the waiver request for a period of ten years. Motion passed 5-2 (Barker and Nealson abstain).

2. Request to Waive 657 IAC 7.12(4) to allow for use of OPCADS for discharge dispensing in addition to ER dispensing - Pella Regional Healthcenter, License 268, Pella

Motion by Jason Hansel, second by Dane Nealson, to approve the waiver request for a period of five years. Motion passed unanimously.

3. Request for Limited-Use Pharmacy License - Sanford Health Rock Rapids Clinic Pharmacy, Rock Rapids, Applicant

Motion by Brett Barker, second by Joan Strogstrom, to approve the application for limited-use pharmacy license. Motion passed unanimously.

Presentations

1. Advanced Certification Designation for Pharmacy Technicians – PTCB

Ryan Burke with PTCB presented on the advanced certification designation for pharmacy technicians.

2. State of the Profession

Anthony Pudlo and Casey Ficek presented on the state of the pharmacy profession.

Reports

1. Executive Director's Report

Appointments

Director Funk recognized Joan Skogstrom for being reappointed to the Board for a second term and Dane Nealson and Kathy Stone for being appointed to the Board for their first term.

Staffing

A new clerk specialist position has been posted and this position will assist in licensing with processing technician and technician trainee registrations.

The Board continues to have conversations with the Department of Public Health for a shared position among the four Boards to assist with overlapping functions. The next meeting for this discussion will be taking place May 21, 2019.

Becky Hall has officially retired. Her position is currently under review by DAS and DOM. Cassie Lee has stepped up to assist with her licensing duties until we can secure a replacement.

Licensing.

The pharmacist renewal window for 2019 opened on April 29. Auto-email communications have been established for pharmacists; they will be notified 30, 14, 7, and 3 days prior to their license expiration. So far, 347 pharmacists have renewed online. Additional data points that are being collected include completion of residencies and board certifications.

Database project

Online initial applications will be implemented throughout the remainder of 2019.

Continuing Education

One hour of law continuing education is now available for CPhTs attending Board meetings.

Pending RFPs

There are currently two pending RFPs; Drug Destruction and Naxolone reporting database.

Upcoming Presentations

Andrew Funk will give a presentation on the PMP and electronic prescribing to the Iowa Association of Nurse Anesthetists on May 3, 2019, the Iowa Podiatric Medical Society on May 4, 2019, the Iowa Osteopathic Medical Society on May 4, 2019, and the Iowa Hospital Association on May 21, 2019.

2. Meetings and Travel

Pharmacy Stakeholders will have a teleconference on May 7, 2019. Jason Hansel, Brett Barker, Gayle Mayer, and Kathy Stone plan to participate.

A rules hearing on electronic prescribing will be held at the Board office May 7, 2019. The PMP Advisory Council will meet in Des Moines, Iowa at a date to be determined.

National Association of Boards of Pharmacy (NABP) 115th Annual Meeting will be held on May 16-18, 2019, in Minneapolis, Minnesota. Jason Hansel, Brett Barker, and Andrew Funk plan to attend.

American Pharmacists Association (APhA) is offering their 5th annual session of the APhA

Institute on Substance Use Disorders on May 29-June 2, 2019, in Salt Lake City, Utah.

Iowa Pharmacy Association (IPA) will hold their annual meeting June 20- 21, 2019, in Cedar Rapids.

Strategic Planning Meeting will be held July 31, 2019, in Des Moines.

Critical Point Sterile Compounding Inspector Training will be held July 9- 12, 2019 and October 29-November 1, 2019, in Totowa, New Jersey. Jim Wolfe, Sue Mears, Mark Mather, and the new compliance officer will attend.

NABP District 5 Meeting will be held August 7-9, 2019, in Duluth, Minnesota.

3. 2020 Budget Proposals/Financial Update/Review of Fees - Terry Witkowski.

Terry presented an update on the current financial status. Revenues and expenditures are essentially on track with the current year's budget, noting that the new license types, limited distributors and 3PLs, were not included in the current fiscal year's fee projections since they were new and unknown at the time the revenue projections were prepared last year.

She also presented a projection of anticipated fees and expenditures for the next fiscal year, 2020, reporting that anticipated revenues at the current fee amounts will be adequate to continue funding Board activities and programs for the next fiscal year.

Motion by Jason Hansel, second by Brett Barker to continue fees for all licenses and registrations at the current amounts. Motion passed unanimously.

Motion by Jason Hansel, second by Brett Barker to approve the proposed budget for fiscal year 202 as presented. Motion passed unanimously.

4. PMP and MedDrop Update – Jennifer Tiffany.

Jennifer Tiffany provided an update.

Information on the MedDrop program was provided in Board materials.

5. Iowa Monitoring Program for Pharmacy Professionals (IMP3) – Rebecca Carlson.

The IMP3 committee will next meet on June 4, 2019. The program has 11 participants (5 pharmacists, 1 intern, and 5 technicians).

6. Legal update – Laura Steffensmeier.

The Board's administrative denial of a request for a legislative recommendation related to marijuana was affirmed on judicial review. A copy of the ruling is included in the Board's materials.

7. Hy-Vee Iowa Error Report – Quarter 1 and 2 – Jon Fransen

Information provided for the Board's review.

8. IPA Medication Disposal Program for Non-Controlled Substances – Casey Ficek

Information provided for the Board's review.

9. TPV Quarterly Reports

Information provided for the Board's review

10. 2019 Efforts to Improve the Quality of Compounded Drugs

Information provided for the Board's review.

11. PTCB Developing Advanced CPhT Credential

Information provide for the Board's review.

Rules and Legislation

1. Legislative Update

The Board was recently emailed the final legislative update.

2. Proposed Adoption and Filing to rescind and replace Chapter 40, "Technology-Assisted Technician Product Verification Programs", ARC 4291C

Motion by Brett Barker, second by Gayle Mayer, to adopt. Motion approved unanimously.

3. Proposed Adoption and Filing to amend Chapter 8, "University Practice Standards" and Chapter 20, "Compounding Practices", ARC 4172C

Motion by Brett Barker, second by Dane Nealson, to adopt. Motion approved unanimously.

4. Proposed Adoption and Filing to amend Chapter 10, "Controlled Substances", ARC 4290C

Motion by Jason Hansel, second by Brett Barker, to adopt. Motion approved unanimously.

5. Proposed Notice of Intended Action to amend Chapter 10, "Controlled Substances" to add new substances to Schedule I

Motion by Brett Barker, second by Gayle Mayer, to file for Notice of Intended Action. Motion approved unanimously.

6. Proposed Notice of Intended Action to amend Chapter 10, "Controlled Substances" and Chapter 100, "Iowa Real-Time Electronic Pseudoephedrine Tracking System" related to the sale of pseudoephedrine products by PSPs

Motion by Brett Barker, second by Dane Neelson, to file for Notice of Intended Action. Motion approved unanimously.

7. Proposed Notice of Intended Action to amend Chapter 33, "Military Service and Veteran Reciprocity" in accordance with HF 288

Motion by Jason Hansel, second by Gayle Mayer, to file for Notice of Intended Action. Motion approved unanimously.

8. Proposed Notice of Intended Action to rescind Chapter 31, "Student Loan Default or Noncompliance with Agreement for Payment of Obligation" and amend Chapter 36, "Discipline" in accordance with SF 304

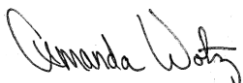
Motion by Brett Barker, second by Jason Hansel, to file for Notice of Intended Action. Motion approved unanimously.

9. Proposed Notice of Intended Action to amend Chapter 39, "Expanded Practice Standards" regarding physician-signed protocols extended repeal date.

Motion by Jason Hansel, second by Dane Neelson, to file for Notice of Intended Action. Motion approved unanimously.

Board Charter – Working session facilitated by Cassandra Halls to develop a Board Charter.

The Board adjourned at 2:04 p.m. on May 2, 2019.



Amanda Woltz
Recording Secretary



Andrew Funk
Executive Director



Jason Hansel
Board Chair

APPROVED THIS 10th DAY OF JULY, 2019